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S. KELBAUGH

DEPUTY CLERK

IN THE SUPERIOR COURT OF STATE OF ARIZONA

IN AND FOR THE COUNTY OF YAVAPAI

STATE OF ARIZONA,

Plaintiff,

v.

STEVEN CARROLL DEMOCKER,

Defendant.

Cause No. P1300CR20081339

Division 6

STATE'S SUPPLEMENTAL
MEMORANDUM FOR SACTIONS
PURSUANT TO RULE 15.7

The State of Arizona, by and through Sheila Sullivan Polk, Yavapai County Attorney, and her deputy undersigned, hereby responds to Defendant's Supplemental Memorandum for Sanctions Pursuant to Rule 15.7. The State incorporates its previous responses where applicable on the issues presented herein.

MEMORANDUM OF POINTS AND AUTHORITIES

Defendant would like this Court to re-write the law of discovery Arizona and preclude the State from using timely disclosed evidence under Rule 15.1/15.6 and impose sanctions of preclusion of evidence, preclusion of witnesses, dismissal of the death penalty and attorney's fees.

The defense team streams into this case a motion for sanctions every time the State discloses relevant and material evidence. The theme is always the same. The State's

1 disclosure is untimely therefore prejudicial to their client. The evidence is prejudicial because
2 it establishes a motive and puts Defendant at the scene of the murder with the murder weapon
3 in his hands. The State's disclosure has been timely disclosed under Rule 15.1 and specific
4 orders of this Court.

5 Pursuant to Rule 15.6, the State has been making seasonal disclosure of new or
6 different information on a case this Court early on determined to be a complex case.
7 Additional scientific testing has been on-going in order to ensure that every possible avenue
8 has been explored in the State's attempt to resolve all issues. No authority in Arizona exists
9 that the State's preparation for trial should cease at any given moment before the trial.

10 Defendant, in pleading after pleading, cites this Court's minute entry dated June 3,
11 2009, as a final disclosure deadline and argues that all of the State's subsequent disclosures
12 violates that order. Sine Defendant pounds this issue *ad nauseum*, the State once again points
13 out that this Court ordered the State to disclose everything within its possession on that date to
14 the defense by June 22, 2009. The Court, in clarifying its Order, cited *State ex rel. Thomas v.*
15 *Newell (Milagro)*, 221 Ariz. 112, 210 P.3d 1283 (App.2009), affirming that the June 22nd
16 deadline "pertains to information in the State's possession, not to testing or analysis reports
17 which have not yet been concluded and/or produced."

18 CONCLUSION

19 Defendant's Motion is little more than a restatement of all the other motions to preclude
20 or exclude witnesses and evidence that have been filed in this case. Once again, Defendant's
21 unrelenting and overstated complaints regarding the State's alleged failure to comply with Rule
22 15 must be put into the proper context.
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1 The Yavapai County Attorney's Office undertakes its role in the criminal justice system
2 with the utmost professionalism. This Court is fully aware that the prosecutors in Yavapai
3 County are dedicated to the vigorous, expeditious and fair administration of the criminal law to
4 protect the public and to insure that justice is done.

5
6 The State asks the Court to label the defense tactic as nothing more than a red herring.
7 The defense team keeps beating a dead horse and the State respectfully mover this Court to
8 deny the Motion for Sanctions Pursuant to Rule 15.7.

9
10 RESPECTFULLY SUBMITTED this 22nd day of March, 2010.

11
12 Sheila Sullivan Polk
13 YAVAPAI COUNTY ATTORNEY

14 By: Joseph C. Butner
15 Joseph C. Butner
16 Deputy County Attorney
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COPIES of the foregoing delivered this
22nd day of March, 2010 to:

Honorable Thomas J. Lindberg
Division 6
Yavapai County Superior Court
(via email)

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